

**EXHIBIT D**

**FILED UNDER SEAL**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - x  
KATHY DREW-KING, REGIONAL DIRECTOR OF  
REGION 29 OF THE NATIONAL LABOR  
RELATIONS BOARD for and on behalf of THE  
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

No. 1:22-cv-01479

-v-

AMAZON.COM SERVICES LLC,

Respondent.

- - - - - x

101 Park Avenue  
New York, New York 10178

May 25, 2022  
10:17 A.M.

VIDEOGRAPHED DEPOSITION of CHRISTIAN  
SMALLS, taken by THE RESPONDENT, in the  
above-entitled action, held at the above  
time and place, taken before CYNTHIA C.  
LANANNA, a Shorthand Reporter and Notary  
Public within and for the State of  
New York.

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At this time, we would ask all Counsel to please enter their appearance, providing their name, firm they're with, and the parties they represent for the video record.

MR. ROSENBLATT: Richard Rosenblatt of Morgan Lewis and Bockius on behalf of Defendant Amazon. Also appearing today is Christopher Murphy and Samantha Ojo, O-J-O, of Morgan Lewis as well as Corporate Counsel from Amazon, Sara Kalis.

MR. MEADOWS: This is Max Meadows from Quinn Emanuel on behalf of the Witness, Christian Smalls, accompanied by Samuel Donohue from Quinn Emanuel.

MS. COX: Evamaria Cox with the National Labor Relations Board on behalf of Petitioner, Kathy Drew-King. Participating

by phone is Nancy Reibstein on behalf of the National Labor Relations Board.

MR. KEARL: Frank Kearn, Make the Road New York. I represent charging party in the underlying matter.

THE VIDEOGRAPHER: Thank you. Madame Court Reporter Lananna, will you please swear in the Witness at this time, after which we may proceed. The time on the video monitor, 10:19 A.M.

CHRISTIAN D. SMALLS, the Witness herein, having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

THE COURT REPORTER: State your name for the record, please.

THE WITNESS: Christian D. Smalls.

THE COURT REPORTER: State your address for the record,

please.

THE WITNESS: 135 Seymour Avenue, Newark, New Jersey 07108.

EXAMINATION

BY MR. ROSENBLATT:

Q. Good morning again, Mr. Smalls. As I mentioned a moment ago when we first met, my name is Richard Rosenblatt of Morgan Lewis and Bockius, and I really appreciate you taking time out of what I know is a very busy schedule to appear today for your deposition, okay?

A. Okay.

Q. Have you ever given a deposition before?

A. No.

Q. So what I'm -- I'm going to go through some of what I'll call, "testimonial tips," or, "ground rules," whatever you want to call them, to help our day go as smoothly as possible, okay?

A. Sure.

C. SMALLS

Q. One of them is -- and you're already pretty good at it -- is that you need to speak your answers. You can use, you know, body language, hand gestures, except for one I would be offended by. Other than that, you can -- you can speak as you normally would, you can use hand gestures as you normally would, but it's very important for our court reporter that you actually speak your answers; you understand that?

A. Yes.

Q. Okay. It's also very difficult for the court reporter to take down um's and things like that, so what I'd ask for you to do is, you know, if the answer is yes or no, articulate that clearly, okay?

A. Yes.

Q. If you have something more to say as well, obviously continue to talk as you need, okay?

A. Absolutely.

<p style="text-align: right;">Page 194</p> <p>1 C. SMALLS</p> <p>2 A. Yes.</p> <p>3 Q. Thank you. I'm not sure that I</p> <p>4 got an answer -- and if I did, I</p> <p>5 apologize -- but why was the section of</p> <p>6 the website that identified officers --</p> <p>7 why was that deleted in the last week?</p> <p>8 MR. MEADOWS: Objection.</p> <p>9 Scope.</p> <p>10 A. We're making some changes.</p> <p>11 We're in the process of making some</p> <p>12 changes.</p> <p>13 Q. Have the changes been made yet?</p> <p>14 A. No.</p> <p>15 Q. Are you still the President?</p> <p>16 The --</p> <p>17 A. Interim President.</p> <p>18 Q. -- Interim President?</p> <p>19 A. Yes.</p> <p>20 Q. Is Mr. Palmer still Interim Vice</p> <p>21 President?</p> <p>22 MR. MEADOWS: Objection.</p> <p>23 Form. Scope.</p> <p>24 A. We're making some changes.</p> <p>25 Q. As of today, is he still the</p>	<p style="text-align: right;">Page 195</p> <p>1 C. SMALLS</p> <p>2 Interim Vice President?</p> <p>3 A. We're in the process of making</p> <p>4 some changes.</p> <p>5 Q. As of today, is Madeline Wesley</p> <p>6 still the Treasurer?</p> <p>7 MR. MEADOWS: Objection.</p> <p>8 Scope.</p> <p>9 A. No. We're still making some</p> <p>10 changes.</p> <p>11 Q. As of today, is Karen Ponce the</p> <p>12 Secretary?</p> <p>13 MR. MEADOWS: Objection.</p> <p>14 Scope.</p> <p>15 A. No.</p> <p>16 Q. The answer's, "no," you said?</p> <p>17 A. No. We're still making some</p> <p>18 changes.</p> <p>19 Q. And you'd agree with me, would</p> <p>20 you not, that Mr. Bryson was not</p> <p>21 identified as Sergeant At Arms on your</p> <p>22 website, correct?</p> <p>23 MR. MEADOWS: Objection.</p> <p>24 Form. Foundation.</p> <p>25 A. Yes, correct.</p>
<p style="text-align: right;">Page 196</p> <p>1 C. SMALLS</p> <p>2 Q. And as of today he's not</p> <p>3 identified as Sergeant At Arms on the</p> <p>4 website, correct?</p> <p>5 A. No.</p> <p>6 Q. Was he ever identified on the</p> <p>7 website as a, quote, "Security</p> <p>8 Officer," close quote?</p> <p>9 MR. MEADOWS: Objection.</p> <p>10 Form. Foundation.</p> <p>11 A. No.</p> <p>12 Q. How -- strike that.</p> <p>13 Does Mr. Bryson have a title</p> <p>14 with the ALU?</p> <p>15 MR. MEADOWS: Objection.</p> <p>16 Form.</p> <p>17 A. Lead Organizer.</p> <p>18 Q. Was he ever the Sergeant At</p> <p>19 Arms?</p> <p>20 MR. MEADOWS: Objection.</p> <p>21 Form.</p> <p>22 A. Informal.</p> <p>23 Q. What does that mean?</p> <p>24 A. You know, we didn't have no</p> <p>25 election for that title, but informally</p>	<p style="text-align: right;">Page 197</p> <p>1 C. SMALLS</p> <p>2 he would call himself that.</p> <p>3 Q. "He would call himself that,"</p> <p>4 you said?</p> <p>5 A. Yeah.</p> <p>6 Q. Did you call him Sergeant At</p> <p>7 Arms?</p> <p>8 MR. MEADOWS: Objection.</p> <p>9 Form.</p> <p>10 A. Informally.</p> <p>11 Q. Is there any written document</p> <p>12 that refers to him as Sergeant At Arms?</p> <p>13 A. No.</p> <p>14 MS. COX: Objection. Beyond</p> <p>15 the scope.</p> <p>16 Q. Is there any written document</p> <p>17 that refers to him as a Security</p> <p>18 Officer?</p> <p>19 A. No.</p> <p>20 MR. MEADOWS: Objection.</p> <p>21 Form. Scope.</p> <p>22 Q. Now, as of last week the ALU's</p> <p>23 constitution and by-laws were up on its</p> <p>24 website, correct?</p> <p>25 MR. MEADOWS: Objection.</p>

50 (Pages 194 to 197)

1 C. SMALLS  
 2 Form. Foundation.  
 3 A. Possibly.  
 4 Q. Well, did you ever see them  
 5 linked onto the website?  
 6 A. I never went on the website.  
 7 Q. Ever?  
 8 MR. MEADOWS: Objection to  
 9 form.  
 10 A. I have. I didn't go on it last  
 11 week though.  
 12 Q. Was -- were you aware that prior  
 13 to last week the ALU's constitution and  
 14 by-laws were posted on the website?  
 15 A. Yes.  
 16 Q. You were so aware, correct?  
 17 A. Yes.  
 18 MR. MEADOWS: Objection to  
 19 form.  
 20 Q. And are you aware now that  
 21 those -- the link to that constitution  
 22 and by-laws is no longer on the  
 23 website?  
 24 MR. MEADOWS: Objection to  
 25 form.

1 C. SMALLS  
 2 A. I'm aware now.  
 3 Q. And why was that link taken off  
 4 the website?  
 5 MR. MEADOWS: Objection.  
 6 Scope.  
 7 MS. COX: Objection. Scope.  
 8 A. We're making some changes.  
 9 Q. Were you aware that witnesses  
 10 last week were asked questions about  
 11 the constitution and by-laws in their  
 12 depositions?  
 13 MR. MEADOWS: Objection to  
 14 form.  
 15 A. I was not aware.  
 16 Q. Did you participate in any  
 17 conversations or other communications  
 18 with any of the witnesses who have  
 19 testified in this case about their  
 20 testimony?  
 21 A. No.  
 22 MR. MEADOWS: Objection to  
 23 form.  
 24 Q. Do you agree with me that there  
 25 are any number of reasons why an Amazon

1 C. SMALLS  
 2 associate might not want to support the  
 3 ALU?  
 4 MR. MEADOWS: Objection to  
 5 form.  
 6 A. Rephrase that.  
 7 Q. Sure. To your knowledge,  
 8 some -- some of the Amazon associates  
 9 support the ALU and some don't, right?  
 10 A. Yes.  
 11 Q. And there could be any number of  
 12 reasons why someone doesn't support the  
 13 ALU, correct?  
 14 MR. MEADOWS: Objection to  
 15 form.  
 16 A. Yes.  
 17 Q. For example, someone might just  
 18 feel that they don't need a union,  
 19 right?  
 20 MR. MEADOWS: Objection to  
 21 form.  
 22 A. Yes.  
 23 Q. They may feel like they don't  
 24 want to pay dues, correct?  
 25 MS. COX: Objection to form.

1 C. SMALLS  
 2 A. Yes.  
 3 Q. They may feel that they have  
 4 adequate job security such that they  
 5 don't need a union, correct?  
 6 MR. MEADOWS: Objection to  
 7 form.  
 8 A. Yes.  
 9 Q. An associate might want to get  
 10 promoted and they're concerned how  
 11 support for the union might make them  
 12 look, right?  
 13 MR. MEADOWS: Objection to  
 14 form.  
 15 A. I'm not agreeing with that one.  
 16 Q. Sometimes employees just don't  
 17 want to get involved, right?  
 18 MR. MEADOWS: Objection to  
 19 form.  
 20 A. Is that a question?  
 21 Q. Yeah. That could be a reason  
 22 why someone doesn't want to --  
 23 A. "Get involved," as far as what?  
 24 Q. The union organizing activity.  
 25 MR. MEADOWS: Objection to

1 C. SMALLS  
 2 form.  
 3 A. I might have.  
 4 Q. When you say you might have, did  
 5 you?  
 6 MR. MEADOWS: Objection to  
 7 form.  
 8 A. If I had to at the time, I would  
 9 have. Yes.  
 10 Q. Do you know if other people did  
 11 as well?  
 12 A. If their schedule aligned, yes.  
 13 Q. Do you know a process assistant  
 14 named Pasqual or otherwise Pat Cioffi,  
 15 C-I-O-F-F-I?  
 16 MR. MEADOWS: Objection to  
 17 form.  
 18 A. Do I know him?  
 19 Q. Yeah.  
 20 A. I know of him, yes. I'm --  
 21 Q. In that press conference we  
 22 talked about a little bit earlier in  
 23 the election, he was one of the  
 24 speakers, correct?  
 25 A. Yes.

1 C. SMALLS  
 2 MR. MEADOWS: Objection to  
 3 form.  
 4 Q. And do you recall that he stated  
 5 at the press conference that he was  
 6 able to flip 400 to 500 nos to yeses?  
 7 MR. MEADOWS: Objection to  
 8 form. Foundation.  
 9 Q. Do you remember him saying that?  
 10 A. Yeah.  
 11 Q. And he said he did it in about  
 12 three and a half weeks, right?  
 13 A. Yes.  
 14 MR. MEADOWS: Objection to  
 15 form. Foundation.  
 16 Q. Do you know what three and a  
 17 half weeks he did it in, roughly?  
 18 A. No.  
 19 Q. Did -- was he one of the more  
 20 effective union organizers?  
 21 MR. MEADOWS: Objection to  
 22 form. Foundation.  
 23 A. I mean, what do you define by,  
 24 "effective?"  
 25 Q. Well, flipping people to nos to

1 C. SMALLS  
 2 yeses.  
 3 MR. MEADOWS: Objection to  
 4 form.  
 5 A. We all did that.  
 6 Q. Do you know how many signed  
 7 cards you ultimately submitted to get  
 8 that second election?  
 9 MR. MEADOWS: Objection to  
 10 form. Foundation. Scope.  
 11 A. I don't remember.  
 12 Q. Was it over 2,000?  
 13 MR. MEADOWS: Objection to  
 14 form.  
 15 A. It could have been.  
 16 Q. So if one particular person was  
 17 able to get 400 to 500 nos to yeses,  
 18 that's a pretty significant  
 19 development, right?  
 20 MR. MEADOWS: Objection to  
 21 form.  
 22 A. He didn't help sign people up.  
 23 Q. But he -- okay, so he got  
 24 involved later in the game, right?  
 25 MR. MEADOWS: Objection to

1 C. SMALLS  
 2 form.  
 3 A. Flipping nos to yeses.  
 4 Q. Yeah, and that was -- was that  
 5 after the second petition for election  
 6 was filed?  
 7 MR. MEADOWS: Objection to  
 8 form.  
 9 A. That was after we were set to  
 10 have an election.  
 11 Q. So that would have been after  
 12 December 21st of 2021, correct?  
 13 MR. MEADOWS: Objection to  
 14 form.  
 15 A. Yes.  
 16 Q. So between December and --  
 17 between December 21, 2021, and the time  
 18 of the election, Mr. Cioffi claimed  
 19 that he had flipped 400 to 500 nos to  
 20 yeses, correct?  
 21 MR. MEADOWS: Objection to  
 22 form. Foundation.  
 23 A. Yes, that's what he claimed.  
 24 Q. And do you have any reason to  
 25 disagree with what he said?

1 C. SMALLS  
2 him, "are you aware?"  
3 A. No. I am now.  
4 Q. And the ALU is continuing its  
5 efforts to organize at JFK8, correct?  
6 MR. MEADOWS: Objection to  
7 form.  
8 A. Yes. We won the election.  
9 Q. Right, and your goal is to get a  
10 contract, right?  
11 MR. MEADOWS: Objection to  
12 form.  
13 A. Yes.  
14 Q. And one of the things that you  
15 think might help you get a contract is  
16 political support, correct?  
17 MR. MEADOWS: Objection to  
18 form. Scope.  
19 A. No, not sure what will help.  
20 We're still organizing.  
21 Q. You'll -- you'll do whatever it  
22 takes to get that first contract,  
23 right? Whatever, legally, you can do  
24 to get that first contract, right?  
25 MR. MEADOWS: Objection to

1 C. SMALLS  
2 form. Scope.  
3 A. Yes.  
4 MR. ROSENBLATT: Now -- mark  
5 this as Exhibit 10. Smalls 10.  
6 (Whereupon, Social Media Post  
7 was marked as Smalls Exhibit 10 for  
8 identification as of this date.)  
9 Q. Mr. Smalls, again, showing you  
10 another tweet from what appears to be  
11 from your Twitter account; is that  
12 correct?  
13 A. Yes.  
14 Q. We've marked as Smalls 10  
15 appears to be a tweet from the  
16 @Shut\_downAmazon Twitter handle, May 5,  
17 2022, at 3:24 P.M.; do you see that?  
18 A. Yes.  
19 Q. And you -- you stated,  
20 "Just met the President lol he  
21 said I got him in trouble,"  
22 And there's a -- I guess that's  
23 a devil emoji. I'm not sure what it  
24 is.  
25 A. Yes.

1 C. SMALLS  
2 Q. And then it says,  
3 "Goooooooooooooooood,"  
4 A lot of Os before the D. Can't  
5 count them all. That is a tweet that  
6 you sent out, right?  
7 A. Yes.  
8 MR. MEADOWS: Objection to  
9 form.  
10 Q. And you had the -- this is a  
11 reference to the privilege or the honor  
12 that you had to meet President Biden in  
13 the Oval Office recently?  
14 MR. MEADOWS: Objection to  
15 form.  
16 A. Yes.  
17 Q. And you said he told you you had  
18 gotten him in trouble. Did he say how  
19 you got him in trouble?  
20 MS. COX: Objection. Scope.  
21 MR. MEADOWS: Scope.  
22 MR. KEARL: I'm going to  
23 instruct you not to answer. This  
24 is not related to the just and  
25 proper inquiry.

1 C. SMALLS  
2 MS. COX: And I join in the  
3 objection.  
4 MR. ROSENBLATT: It  
5 absolutely -- the NLRB, in its  
6 effort to establish just and  
7 proper, said that the ALU could  
8 use support, including the  
9 reinstatement of Mr. Bryson, to  
10 further obtaining the first  
11 contract. We're entitled to  
12 explore the -- the things that  
13 the ALU is doing in order to get  
14 support for a first contract, and  
15 I will tell you that we're almost  
16 done, so I don't have much in  
17 this line of questioning, so I'd  
18 ask that Mr. Smalls answer the  
19 question of did he tell you how  
20 you got him in trouble?  
21 MR. KEARL: I'm going to  
22 instruct him to answer yes or no.  
23 A. Yes.  
24 Q. What did he tell you?  
25 MR. KEARL: I'm going to

1 C. SMALLS  
 2 instruct him not to answer,  
 3 because it is completely  
 4 irrelevant to the just and proper  
 5 inquiry.  
 6 MR. ROSENBLATT: At least  
 7 you're not asserting executive  
 8 privilege.  
 9 Q. But did he tell you that you got  
 10 him in trouble when he said, "Amazon,  
 11 we're coming to get you," or something  
 12 to those -- to that effect?  
 13 MR. KEARL: Objection.  
 14 Form. Objection. Scope. I'm  
 15 going to instruct my client to  
 16 answer yes or no.  
 17 MS. COX: And I join in the  
 18 objection.  
 19 A. Yes.  
 20 Q. Did he tell you -- sorry. Hard  
 21 for me to imagine how the leader of the  
 22 free world could get in trouble, but  
 23 did he tell you with whom he got in  
 24 trouble?  
 25 A. No.

1 C. SMALLS  
 2 MR. KEARL: Objection.  
 3 Form. Objection. Scope. I'm  
 4 going to instruct the Witness to  
 5 answer yes or no.  
 6 A. No.  
 7 Q. At that meeting was there any --  
 8 any representative of the business  
 9 community present at the Oval Office?  
 10 MR. MEADOWS: Objection to  
 11 form, foundation, scope. You can  
 12 answer that yes or no, to the  
 13 extent you know.  
 14 A. No.  
 15 Q. So the answer was, "no?"  
 16 MR. ROSENBLATT: Mark that  
 17 as Smalls 11.  
 18 (Whereupon, New York Times  
 19 Podcast Transcript was marked as  
 20 Smalls Exhibit 11 for  
 21 identification as of this date.)  
 22 Q. Mr. Smalls, we're showing you --  
 23 strike that.  
 24 Do you recall doing a podcast as  
 25 part of the New York Times The Daily?

1 C. SMALLS  
 2 MR. MEADOWS: Objection.  
 3 Form. Scope.  
 4 Q. On that day did you also meet  
 5 with Vice President Kamala Harris?  
 6 MR. KEARL: Objection.  
 7 Form. Objection. Scope.  
 8 A. Yes.  
 9 Q. Did you also meet with Secretary  
 10 of Labor Marty Walsh?  
 11 MR. MEADOWS: Objection to  
 12 form and scope.  
 13 A. Yes.  
 14 Q. And you also met with Senator  
 15 Sanders, and you testified in front of  
 16 Senator Sanders that same day?  
 17 MR. MEADOWS: Objection to  
 18 form.  
 19 A. Yes.  
 20 Q. Did -- I'm sorry. Did  
 21 President Biden suggest you had gotten  
 22 him in trouble for any other reason  
 23 other than his quote, "Amazon, we're  
 24 coming after you," or something like  
 25 that?

1 C. SMALLS  
 2 A. Yes.  
 3 Q. And that was with the New York  
 4 Times podcaster Michael Barbaro?  
 5 MR. MEADOWS: Objection to  
 6 form.  
 7 Q. Do you recall that?  
 8 A. Yes.  
 9 Q. And also on the podcast were  
 10 Jodi Kantor, K-A-N-T-O-R, and Karen --  
 11 I believe it's pronounced Weise,  
 12 W-E-I-S-E, of the New York Times?  
 13 MR. MEADOWS: Objection to  
 14 form.  
 15 Q. Do you remember that?  
 16 A. Yes.  
 17 Q. And also Mr. Palmer was present  
 18 during the podcast, right?  
 19 A. Yes.  
 20 Q. I have the podcast, but what I  
 21 have here is a transcription from the  
 22 New York Times, the podcast.  
 23 MR. MEADOWS: Objection to  
 24 form.  
 25 MR. ROSENBLATT: It wasn't a



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ERRATA  
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## PAGE LINE CHANGE

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ACKNOWLEDGEMENT  
STATE OF NEW YORK)

:SS

COUNTY OF \_\_\_\_\_)

I, CHRISTIAN D. SMALLS, hereby certify that I have read the transcript of my testimony taken under oath on May 25, 2022, that the transcript is a true, complete and correct record of what was asked, answered and said during my testimony under oath, and that the answers on the record as given by me are true and correct, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

CHRISTIAN D. SMALLS

Signed and subscribed to  
before me, this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.

Notary Public

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MR. ROSENBLATT 8

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## CERTIFICATE

I, CYNTHIA C. LANANNA, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the Witness(es) whose testimony is hereinbefore set forth was duly sworn by me, and the foregoing transcript is a true record of the testimony given by such Witness(es).

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Cynthia C. Lananna, a  
Court Reporter and Notary  
Public  
Date: June 7, 2022

